

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VIESTE, LLC, ET AL.,

No. C-09-04024 JSW (DMR)

Plaintiffs,

**ORDER DENYING DEFENDANTS'
RENEWED ADMINISTRATIVE
MOTION TO DESIGNATE REBUTTAL
EXPERT**

v.

HILL REDWOOD DEVELOPMENT, ET AL.,

Defendants.

The court has reviewed Defendants' Renewed Motion for Administrative Relief to Disclose Rebuttal Expert Testimony and From Discovery Deadlines, and Plaintiffs' opposition thereto. [Docket Nos. 389, 395.] This matter may be determined without oral argument pursuant to Civil L.R. 7-1(b).

Defendants' renewed motion seeks leave to disclose a rebuttal expert on the topic of alter ego.¹ On June 30, 2011, the court denied Defendants' original request without prejudice, pending the outcome of the motions for summary judgment and a July 2011 settlement conference. Judge White issued orders on the parties' cross motions for summary judgment on November 28, 2011. [Docket Nos. 379 and 380.] Although it appears that Defendants retained their expert in May or

¹ Given that the question of whether to pierce the corporate veil ultimately will be decided by Judge White rather than the jury (*see* Docket No. 383), it remains unclear whether Judge White will even allow expert testimony on alter ego.

1 June 2011, they did not renew their request until recently. Defendants have yet to reveal the name
2 of the expert to Plaintiffs or provide them with an expert report.

3 Defendants' renewed request comes too late. This case is simply too close to trial for the
4 parties to engage in further expert disclosure and attendant discovery. The matter is set for a
5 February 27, 2012 jury trial. At the parties' request, Judge White issued a detailed order regarding
6 significant pretrial submissions this month, in advance of the February 6, 2012 pretrial conference.
7 Further expert development would disrupt this schedule and jeopardize the trial judge's ability to
8 convene a useful pretrial conference.

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10 IT IS SO ORDERED.

11 Dated: January 3, 2012



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13 DONNA M. RYU
14 United States Magistrate Judge
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